

## **Exhibit 1b**

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: CHERRY, DANNI L 07928078 AB SCIMC Kean  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

I AM NOT SATISFY WITH THE RESPONSES I AM GETTING, FROM MEDICAL AND ADMINISTRATION HERE I NEED TO BE TREATED FROM MY DISEASE NOT MONITOR I CAN BE CURE IF TREATED AGGRESSIVELY. LIVER BIOPSY IS THE GOLD STANDARD FOR JUDGING THE SEVERITY OF THE HEPATITIS C DISEASE I NEED HELP WITH MY DISEASE BEFORE I GET WORSE

6/1/04 Danni Lee Cherry  
DATE SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE GENERAL COUNSEL  
SECOND COPY: REGIONAL FILE COPY CASE NUMBER: 326198-A1

Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_  
Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION  
SUBJECT: \_\_\_\_\_  
DATE SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL  
000001

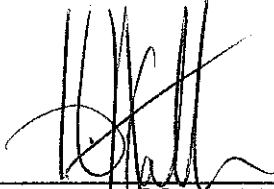
**Administrative Remedy No. 326198-A1**  
**Part B - Response**

This is in response to your Central Office Administrative Remedy Appeal in which you request a liver biopsy and treatment for your Hepatitis C infection.

A review of your medical records reveals your ALT levels have been consistently normal or very near normal for the past two years. BOP guidelines for the treatment of Hepatitis C are based on a large body of scientific literature, much of which is summarized in the NIH Consensus Conference Statement: "Management of Hepatitis C, 2002." These guidelines do not recommend treating every patient with Hepatitis C, since significant liver disease develops in only about 15% of those who are infected. It takes 20 years or more for cirrhosis to develop in this 15% of infected individuals. The serum ALT level is used as an indirect indicator of liver inflammation. Recent research has shown that individuals with persistently normal or near-normal ALT levels are unlikely to have significant or progressive liver disease.

We concur with the findings and decisions of the Institution and Regional Office in that the medical care you are receiving at this time is appropriate. Accordingly, your appeal is denied.

July 21, 2004  
Date

  
Harrell Watts, Administrator  
National Inmate Appeals

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Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: CHERRY DARRYL L 07928078 A B FCI  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION  
MC KEAN

## Part A—REASON FOR APPEAL

I AM NOT SATISFY WITH THE RESPONSES I AM GETTING FROM MEDICAL ADMINISTRATION HERE. I NEED TO BE TREATED FOR MY DISEASE. NOT MONITOR IT. I CAN BE CURED IF TREATED AGGRESSIVELY. LIVER BIOPSY IS THE GOLD STANDARD FOR JUDGING THE SEVERITY OF THE HEPATITIS C DISEASE. I NEED SERIOUS MEDICAL NEED.

4/5/04  
DATE

Darryl Cherry  
SIGNATURE OF REQUESTER

## Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 326198-121

## Part C—RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

UCC  
000003

DATE

SIGNATURE, RECEIPT OF REGIONAL DIRECTOR

BP-230(13)

**CHERRY, Darryl**

Reg. No. 07928-078

Appeal No. 326198-R1

Page One

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**Part B - Response**

In your appeal, you contend you are not receiving adequate medical care at FCI McKean for the Hepatitis C virus. You state you have not received a liver biopsy, which believe is the current curative treatment for your condition.

A review of your appeal reveals the Warden correctly summarized the medical care you are receiving. Additionally, you were recently evaluated by a staff physician on February 4, 2004. He noted you were not in pain. The physician did not indicate you required a liver biopsy nor that you met the Bureau criteria for interferon and ribavirin treatment at that time. He discussed diet and medication with you and planned to see you again for follow up care. If you still have concerns regarding diet and medication, you must raise these concerns at your next chronic care clinic visit. Medical staff advise that you are receiving appropriate medical care. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administration Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: May 6, 2004

  
D. SCOTT DORRILL  
Regional Director

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Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

## Part A- INMATE REQUEST

I HAVE BEEN IN C UNIT (HCU) THE LAST YEAR SINCE MY ARREST  
OF THIS YEAR SINCE THE YEAR 2000. I HAVE REQUESTED  
TO BE TREATED WITH THE FULL HIGHEST ALTH. INTERVIEW  
PROGRAM AND VISIT THE HOSPITAL

DATE

SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

THIRD COPY: RETURN TO INMATE

CASE NUMBER:

CASE NUMBER:

## Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

I have not had or been given a liver biopsy, which is necessary to determine the extent of damage already incurred to my ~~##~~ liver and nor has, my genotype or strain strand been determine. I have not been avised what to eat or not to eat, I have not been advised what medicines to take, and not to take. niether have I been offered or, orclearthe dieease from my system. This dasease, will not go away by it's self inface, in the absence, of treatment I may progress to cirrhosis end stage liver dieease and hepatocellulur carcinoma. Each of these is associated with premature mortality and considerable morbidity. The current protocol here, at Mckean would allow me or my liver to take a turn preventative me asures treatmant . The Mckean Protocol denies currative treatment, I was simply given sn out dated 1992 hepatitis, pamphlet that is very very limited in respect to hepstitid-c. I believe that I'm entitled to the current curative treatment of, a combination of pegylated interferon and ribavirin, I also believe I'm entitled to a liver biopsy and examinations by an, exprienced gastroenterolgist or a hepatologist I hereby request all of the above in respect to my liver disease.

P.S. Physicians often fall short of curing and individual of hepatitis-c infaction because they don't treat it like any other chronic medical condition . I can be cured if treated aggressively. Liver biopsy is the gold standard for judging the severity of the disease.

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CHERRY, Darryl  
Reg. No.: 07928-078  
MCK 326198-F2

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**PART B-RESPONSE**

This is in response to your Request for Administrative Remedy receipted in my office on February 19, 2004, in which you claim you are not receiving appropriate medical care for hepatitis C. Specifically, you request a liver biopsy and treatment with interferon and ribavirin.

An investigation of your complaint reveals you were diagnosed with hepatitis C, and placed on chronic care clinic, July 26, 2000. You are evaluated by the medical officer every three months at chronic care clinic. You are educated as to your condition at each clinic visit. The health services unit follows guidelines set forth by the medical director of the Bureau of Prisons for the treatment of hepatitis. You currently do not fit the guidelines to obtain a liver biopsy or receive medication. You will continue to be evaluated at regular intervals on clinic. If you experience problems with your health between clinic visits you may sign up for sick call.

Based on this information, your Request for Administrative Remedy is denied.

In the event that you are not satisfied with this response, you may appeal within twenty (20) calendar days from the date of this response by submitting a BP-DIR-230 to the regional director.

3/25/04  
Date

James F. Sherman  
James F. Sherman, Warden

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